



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2006 - 22

EMERGENCY PROCEDURES FOR CONDUCTING STATE BUSINESS

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, a state of emergency/disaster was declared through Proclamation No. 48 KBB 2005 and Proclamation No. 53 KBB 2005, and most recently extended by Proclamation No. 23 KBB 2006 and Proclamation No. 22 KBB 2006;

WHEREAS, Hurricane Katrina and its aftermath, and Hurricane Rita caused unprecedented and extensive damage in the state of Louisiana and these tragic events have significant consequences on the financial conditions of the state;

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721, *et seq.*, confers upon the governor of the state of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or man-made causes, to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the state of Louisiana;

WHEREAS, Executive Order No. KBB 2005-66, issued on October 18, 2005, established certain procedures for conducting state business during such emergencies and/or disasters; and

WHEREAS, the conditions originally necessitating relaxation of the statutory requirements concerning procurement and contracting have to some extent abated and the state is now in the process of recovery from Hurricane Katrina and Hurricane Rita and preparation for the upcoming hurricane season;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: For procurement and contracting, strict compliance with R.S. 39:1481, *et seq.*, and R.S. 39:1551, *et seq.*, shall be required except under those circumstances where the agency demonstrates in writing to the commissioner of administration (hereafter "commissioner") that strict compliance would have a detrimental effect on lives, property, or the efficient operation of the agency in its recovery or preparation efforts. The commissioner may direct that the agency comply with a modified plan for contracting or procurement.

Requests for authority to avoid strict compliance with statutory requirements should be addressed to the director of the Office of State Purchasing or the director of the Office of Contractual Review, as appropriate.

SECTION 2: In those circumstances where the commissioner determines that strict compliance is not required, agencies should comply with the following conditions:

A. An appointed official within the agency, or the equivalent for elected officials or higher education, must identify the emergency condition

present and determine that the lack of strict compliance with the statutory restrictions is necessary due to the emergency;

- B. A centralized point of contact for each agency must monitor all transactions conducted without strict statutory compliance, maintaining copies of all documentation. Documentation should specify whether the purchase falls into the emergency or permanent category and whether the purchase relates to Hurricane Katrina or Hurricane Rita;
- C. Competitive quotes and/or offers must be obtained whenever possible and agencies must take the necessary steps to assess that fair and equitable pricing is being offered;
- D. Performance-based contracting should be used where practical;
- E. Statewide contracts should be used where practical;
- F. Copies of contracts which would otherwise require approval by the Office of Contractual Review or the Office of State Purchasing must be provided to those agencies. Additionally, ISIS agencies should enter small purchases into the AGPS/CFMS database. (Note: For CFMS contracts, agencies should use the document type ~~MISC~~); and
- G. Payments to contractors should be made only after verification that all goods and services meet contract requirements.

SECTION 3: The inspector general is directed and authorized to monitor those transactions conducted outside the scope of regulatory statutes, orders, rules and regulations to insure that those transactions are directly related to the emergency situation and are prudently handled and, if any inappropriate transactions are noted, those situations shall be reported directly to the governor.

SECTION 4: All cabinet members, statewide elected officials, and department heads are authorized to transfer the directions, job assignments, personnel, and functions of their departments for the purpose of performing or facilitating emergency services as necessary.

SECTION 5: All available resources of state government should be utilized as reasonably necessary to cope with this emergency.

SECTION 6: Executive Order No. KBB 2005-66, issued on October 18, 2005, is hereby rescinded and terminated.

SECTION 7: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 2nd day of June, 2006.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/S/ Al Ater
SECRETARY OF STATE